

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Tahreem Khan	Team: Squad #11	CCRB Case #: 201904480	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 05/22/2019 3:00 PM	Location of Incident: in front of 236 West 125th Street	Precinct: 28	18 Mo. SOL 11/22/2020	EO SOL 7/9/2021	
Date/Time CV Reported Thu, 05/23/2019 1:10 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Thu, 05/23/2019 1:10 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Creel Brown	14622	955770	028 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Geraldo Rodriguez	18601	964249	028 PCT
2. POF Karen Zhao	17978	961476	028 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Creel Brown	Discourtesy: Police Officer Creel Brown spoke discourteously to § 87(2)(b) [REDACTED]	[REDACTED]

Case Summary

On May 23, 2019, § 87(2)(b) left a message on the CCRB's recording system stating that he was being harassed because of a canopy. On the same day, an investigator contacted § 87(2)(b) obtained an unverified phone statement, and scheduled him for an appointment at the CCRB for May 28, 2019, which was rescheduled to May 31, 2019.

On May 22, 2019 at approximately 3:00 p.m., in front of 236 West 125th Street in Manhattan, Police Officer Creel Brown of the 28th Precinct allegedly spoke discourteously to § 87(2)(b) (**Allegation A: Discourtesy, § 87(2)(g)**).

§ 87(2)(b) was not arrested during this incident, nor was he issued a summons.

There is no known video footage of the incident on May 22, 2019.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Creel Brown spoke discourteously to § 87(2)(b)

On May 22, 2019, § 87(2)(b) was selling his merchandise underneath a tent when he was approached by an officer who sat in the driver's seat of a marked NYPD van. On May 31, 2019, § 87(2)(b) was interviewed at the CCRB. In his sworn statement, § 87(2)(b) described this officer to be a heavyset Caucasian male, who was about 6'4" tall and over 45 years old (BR 01). He approached § 87(2)(b) and asked him for his vendor's license. § 87(2)(b) gave this officer his "Certificate of Authority," which was issued by New York State. The officer, again, asked for § 87(2)(b)'s vendor's license. § 87(2)(b) stated that he did not need a vendor's license as he was selling his artwork. The officer then asked for § 87(2)(b)'s identification. § 87(2)(b) provided it, along with his "125th Street Association" badge, which represented a community-based group that looked out for each other. An officer looked at the badge and allegedly stated to § 87(2)(b) "That's not worth shit. You can throw that away."

On August 14, 2019, § 87(2)(b) contacted the investigation and stated that the same officer who spoke discourteously to him on May 22, 2019 had issued him a summons for vending clothing without a vendor's license. The summons dispute was referred to the Office of the Chief of Department (OCD) in complaint number 201907311. After obtaining a copy of the summons issued to § 87(2)(b) on August 14, 2019, the investigation determined that the officer who issued the summons (BR 08) was Police Officer Creel Brown, of the 28th Precinct. After identifying PO Brown, the investigation requested PO Brown's memo book, in addition to his partner's memo book.

On September 17, 2019, the investigation received PO Brown's memo book. The document receipt indicated that on May 22, 2019, PO Brown's partners were Police Officer Geraldo Rodriguez and Police Officer Karen Zhao, whose memo books were also included with the document receipt. According to PO Creel Brown's memo book entry for May 22, 2019, he was the operator of marked NYPD van number 8924, PO Rodriguez was the recorder, and PO Zhao was a passenger (BR 02). PO Rodriguez and PO Zhao's memo book entries for May 22, 2019 also corroborated this information (BR 03 and BR 04).

According to PO Brown's memo book (BR 02), at the time of the incident—around 3 p.m.—he was at the 28th Precinct stationhouse. PO Rodriguez's memo book (BR 03) states that he was at traffic court. PO Zhao's memo book (BR 04) states that she had not started her tour at the time. All three officers' memo books state that they had entered the marked NYPD van around 5 p.m. on the incident date. It is possible that § 87(2)(b) was confused about the incident time.

According to § 87(2)(b)'s description, a possibly white or Hispanic officer sat in the passenger's seat of the vehicle, but had not exited it—only the officer in the driver's seat exited the vehicle and approached § 87(2)(b).

PO Brown (BR 05), PO Rodriguez (BR 06), and PO Zhao (BR 07) provided consistent testimony that they performed a Business Unit assignment where they patrolled along 125th Street and responded to any calls within the area.

PO Brown did not have an independent recollection of interacting with § 87(2)(b) on this particular day. In an effort to aid in PO Brown's recollection of the incident, the undersigned presented a few details of the incident, a photo of § 87(2)(b) and the summons that was issued to him by PO Brown some time later. Despite showing PO Brown the aforementioned documents, he did not recall the interaction with § 87(2)(b).

The investigation also presented a few details of the case and a photo of § 87(2)(b) to PO Rodriguez and PO Zhao. While this effort did not refresh PO Zhao's recollection of the incident, PO Rodriguez recognized § 87(2)(b) and remembered that he sold clothing along West 125th Street and covered his merchandise with a tent. Although PO Rodriguez remembered § 87(2)(b) he did not recall this incident.

According to § 87(2)(b)'s sworn statement, his description of the subject officer who spoke discourteously to him was a Caucasian male, with a chubby build, over 250 lbs., approximately 6'4" tall, with short blonde or brown hair and no facial hair, whose age was over 45 years old, and was the driver of the marked police van. Of the three officers interviewed, PO Brown appears to be the closest match to § 87(2)(b)'s description of the subject officer as he is a White male, with a heavyset build, who weighs approximately 240 lbs., is about 6'0" tall, has short brown hair, does not have any facial hair, is 43 years old, and was the driver of the vehicle on May 22, 2019.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) has no prior CCRB complaints.
- PO Brown has been a member of service for five years and has been a subject in six other CCRB complaints and eleven allegations, none of which were substantiated. § 87(2)(g) Approximately half of the allegations against PO Brown are of Discourtesies. Of those six discourtesy allegations, four were Discourtesy – Word allegations. Three of those allegations were closed as complainant uncooperative and one was closed as unsubstantiated.
- PO Rodriguez has been a member of service for two years and has no prior CCRB history.
- PO Zhao has been a member of service for three years and has been a subject in two CCRB complaints and three allegations, one of which was substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.

- On November 14, 2019, an inquiry for a Notice of Claim in regard to this complaint was filed with the New York City Office of the Comptroller and will be added to the case file upon receipt.

- § 87(2)(c) (impair contract awards or CBAs), § 87(2)(b)
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date